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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,878	03/13/2001	Shulan Tan	TANSHU-3	1821

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PAUL E. MCGOWAN
MCGUIRE WOODS LLP
1 JAMES CARTER
901 E. CARY ST.
RICHMOND, VA 23219

EXAMINER

LOCKETT, KIMBERLY R

ART UNIT PAPER NUMBER

2837

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,878

Applicant(s)

TAN, SHULAN

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 13, 15-17, 19, 20, and 26 is/are rejected.
- 7) ☐ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 11, 13, 15-17, 19, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Whitlock.

Bennett discloses the use of an apparatus for learning chords and notes of a stringed instrument having a fingerboard, the apparatus comprising a baseboard having thereon a pattern of chromatic notes(column 8, lines 50-55) each positioned in the same relative position as it appears on the fingerboard of the stringed instrument; and a plurality of templates (see figures 7-13) for placement over the baseboard, each template corresponding to at least one particular key in a particular position(see tables 1-9) and defining a plurality of holes through which notes corresponding to a particular key are visible(column 13, lines 21-25). Bennett also discloses the use of templates that are releaseably secured to the baseboard to represent 12 major and minor keys (see figures 9b and 9c). Bennett also discloses the use of color-coded templates (column 6, lines 27-40). Bennett further discloses the use of a

diatonic scale (see table 6). Bennett discloses that his device represents the major and minors (see abstract).

Bennett does not specifically disclose displaying finger patterns.

However, Whitlock does disclose the use of a chord display device that displays finger patterns of a musical instrument (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as taught by Bennett to display finger patterns of a musical instrument since Whitlock discloses that displaying finger patterns of a musical instrument is well known in the art.

3. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 25 is allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6, 11, 13, 15-17, 19, 20, and 26 have been considered but are moot in view of the new grounds of rejection.

However with respect to the applicant's argument's regarding the Bennett reference, Bennett clearly discloses a color-coded system to follow a specific

learning pattern. Bennett's device also discloses a "plurality of templates" that are used for the teaching of various musical instruments including "stringed musical instruments". Bennett also discloses a means for teaching the use of a diatonic scale (see tables). Table 6 represents "diatonic notes and each comprise the color representing it's corresponding note". Clearly one of ordinary skill in the art would combine the colors representing the notes from a diatonic scale in Bennett and the display of specific finger patterns using notes as disclosed in Whitlock since Whitlock discloses a means for teaching and displaying specific patterns using notes.

6. Any inquiry of a **general nature or relating to the status of this application or filed papers** should be directed to the **Group receptionist whose telephone number is (703) 308-0956.**

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24). Fax numbers that provide an auto-reply fax receipt are: for before finals (703) 872-9318 and after finals (703) 872-9319.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose

telephone number is 800-786-9199. Assistance is also available on the Internet at www.uspto.gov.

For requesting copies of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose telephone number is **(703) 308-7615**. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.


Kim Lockett
Patent Examiner
Art Unit 2837